



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/015,030

12/11/2001

Philip David Steiner

026-0013

6289

22120

7590

02/07/2006

ZAGORIN O'BRIEN GRAHAM LLP
7600B N. CAPITAL OF TEXAS HWY.
SUITE 350
AUSTIN, TX 78731

EXAMINER

TSE, YOUNG TOI

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,030

Applicant(s)

STEINER ET AL.

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28,30,35-37 and 39-42 is/are allowed.
- 6) ☒ Claim(s) 1-27,29,31-34,38 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11182005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive.

The Applicants argue that the language of claim 1 is clear. The preamble recites a loss-of-signal (LOS) condition" which is distinguishable from a loss-of-signal indication" recited by line 6. Also applied to the same argument of claims 29 and 43.

The examiner agrees with the Applicants that the two terms recited in each of claims 1, 29 and 43 are distinguishable from each other. However, without making the changes to the claims suggested by the examiner, the claims are being indefinite for the same reason mentioned in claim 30 in paragraph 5 of the last Office Action. In other words, each preamble of claims 1, 29 and 43 recites either a method for determining or an apparatus detecting existence of a loss-of-signal condition, however, without the performance of determining or detecting the loss-of-signal condition in the body of the claims, they fail to achieve the goal of determining or detecting the loss-of-signal condition.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed November 18, 2005 has been partially considered by the examiner because the U.S. Patent Documents aa, cc, dd, ee, ff, gg and hh have been cited either in the IDS filed July 14, 2003 by the Applicants

or in PTO-892 by the examiner. Further, the Non Patent Literature Documents ii and jj also have been cited in the IDS filed April 05, 2002 by the Applicants.

Drawings

3. The drawings were received on November 18, 2005. These drawings are acceptable.

Specification

4. The disclosure is objected to because of the following informalities: page 4 (line 3) and page 17 (line 6), "1200" should be "1201" as shown in Figure 12. The Applicants fail to respond to the objection of the specification on pages 4 and 17 (see paragraph 1 of the last Office Action). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-27, 29, 31-34, 38 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each preamble of claims 1, 29 and 43 recites either a method for determining or an apparatus detecting existence of a loss-of-signal condition, however, without the performance of determining or detecting the loss-of-signal condition in the body of the

claims, they fail to achieve the goal of determining or detecting the loss-of-signal condition.

Claims 2-27 are directly or indirectly depended on the independent claim 1.

In claim 31 (line 3), claim 33 (line 2) and claim 34 (line 2), the Applicants are requested to clarify the difference of "a loss-of-signal indication" recited in each of the amended claims.

Claim 32 is depended on claim 31.

In claim 38, the Applicants are request to clarify the difference of "converter circuit" for the "one-to-transition" and "converter" for the "transition-to-one" since the examiner has been suggested to delete the word "circuit" in paragraph 3 of the last Office Action for consistency to use "converter" for both the "one-to-transition" and the "transition-to-one". However, the Applicants maintain that the language of claim 38 is clear.

Allowable Subject Matter

7. Claims 28, 30, 35-37 and 39-42 are allowed.
8. Claims 1-27, 29, 31-34, 38 and 43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

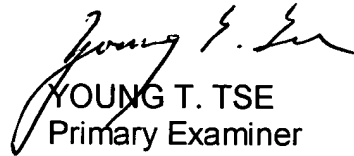
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-30513051. The examiner can normally be reached on Monday-Thursday and alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The Central FAX Number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YOUNG T. TSE
Primary Examiner
Art Unit 2637